

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:03-00063

LACY MOORE

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On October 10, 2017, the United States of America appeared by Joshua C. Hanks, Assistant United States Attorney, and the defendant, Lacy Moore, appeared in person and by his counsel, John H. Tinney, Jr., for a hearing on the petition on supervised release and amendments thereto submitted by United States Probation Officer Joseph Black. The defendant commenced a forty-two month term of supervised release in this action on August 14, 2015, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on January 20, 2015.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant violated federal and state law inasmuch as he sold approximately one gram of heroin for \$200 to a confidential informant on October 27, 2015, and later that same day sold an additional one gram of heroin to a confidential informant; sold approximately 1.3 gram of heroin, including packaging, to a confidential informant on November 3, 2015, for \$400; and on January 9, 2017, pled guilty in Kanawha County Circuit Court to the felony offense of possession with intent to manufacture and deliver heroin for which he received a sentence of not less than one nor more than three years; (2) used and possessed marijuana and benzoylecgonine, a cocaine metabolite, as evidenced by a positive urine specimen submitted by him on September 3, 2015, and his admission to the probation officer on September 9, 2015, that he had used marijuana and cocaine; and the defendant's admissions to the probation officer on November 5 and 26, 2015, that he had used marijuana; (3) the defendant failed to submit monthly reports for January, February, March, April, May and June, 2016; (4) the defendant failed to report to the probation officer as instructed on February 2, 2016, or any date

thereafter; and (5) the defendant failed to refrain from the excessive use of alcohol inasmuch as on July 2, 2016, he was operating a motor vehicle during which time a traffic stop was initiated and the defendant submitted to a portable breath test which yielded a .214 result; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendments thereto.

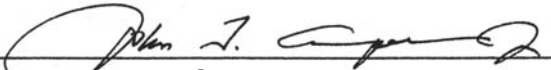
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHTEEN (18) MONTHS.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 11, 2017



John T. Copenhaver, Jr.
United States District Judge